

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALBERT BOYCE, :
Plaintiff, :
v. : Civil Action No. 04-251J
SOMERSET COUNTY PRISON, :
Defendants :
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on July 6, 2006, docket no. 6, recommending that the complaint be dismissed without prejudice for failure to make return of service as required by Fed.R.Civ.P. 4.

The plaintiff was notified pursuant to 28 U.S.C. § 636(b)(1), that he had ten days to serve and file written objections to the Report and Recommendation. Plaintiff has not filed objections, and the time to do so has expired.

After review of the record and the Report and Recommendation, and noting the lack of timely objections thereto, the following order is entered:

AND NOW, this 24th day of July, 2006, it is
ORDERED that plaintiff's complaint is dismissed without
prejudice. The Report and Recommendation is adopted as the opinion
of the Court. The Clerk shall mark this matter closed.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

Albert Boyce
6654 Cumberland Highway
Hyndman, PA 15545